



COMMONWEALTH of VIRGINIA

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VIRGINIA INFORMATION TECHNOLOGIES AGENCY
Commonwealth Enterprise Solutions Center
11751 Meadowville Lane
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TDD VOICE -TEL. NO.
711

September, 2007

RE: Virginia Base Mapping Program (VBMP) Orthophotography Data License Agreement for Governmental Users

VBMP Governmental Licensees:

Purpose

The Commonwealth of Virginia, through the Virginia Geographic Information Network (VGIN), previously established in 2003 a signed license agreement for Governmental Users of the VBMP Digital Orthophotography data product. This license continues to remain in effect as long as the data is kept by the government entity. However, through user input, VGIN has understood that this license did not allow for the creative use of the data product. Therefore, VGIN has responded by not enforcing some of the constraining provisions of the license. This letter serves as written notice to governmental users of that loosening of the license restrictions as addressed below in certain provisions of the license.

Overview

The VBMP ortho license was created to manage and protect an asset of the Commonwealth as well as provide guidance on the acceptable use and distribution of the product. These clarifications apply to 2002 and 2006/2007 orthoimagery products. Some of the key aspects of the license are:

- The license establishes ownership and control of the VBMP Digital Orthophotography to VGIN as an asset of the Commonwealth.
- By providing the data to Governmental users through this license agreement, VGIN has granted that these users act as "agents" on VGIN's behalf.
- Localities are empowered as "agents" to distribute imagery for their jurisdiction using the pricing guidelines established by VGIN.
- Localities can retain fees they acquire for sale of their jurisdictional imagery.
- State agency governmental users can freely use the imagery for their internal business needs, such as provide to contractors, but cannot redistribute the product nor allow contractors to redistribute or retain for other purposes.
- VGIN continues to be the distributor for statewide, regional and local imagery. For single jurisdiction imagery requests, VGIN will refer customers to that jurisdiction first.
- Only licensed agents are authorized to distribute the data.
- The signed license agreement remains in effect as long as the data are held by licensee.
- The data remain exempt from the Freedom of Information Act

Virginia Geographic Information Network

Specific VBMP License Agreement Sections Affected

Specific sections of the Governmental Users license that VGIN will not enforce are:

- Section 3: For Local Government Licensees, distribution is not constrained to the entities listed in Section 3 and is available to all individuals and entities.
- Section 3.b.i: VGIN is not maintaining a list of acceptable public bodies or non profit entities.
- Section 3.b.ii: How records are managed of groups provided data are a licensee decision.
- Section 3.c.ii: Signing of Contractor Agreement is voluntary.
- Section 3.c.iii: Records management methods are a licensee decision.
- Section 3.d: Copyright notice is recommended but not required.
- Section 3.f.i: Degrading the resolution for internet display is not required.
- Section 3.f.iv: Copyright notice is recommended but not required.
- Section 3.f.v: Contractor Agreement is voluntary.
- Section 3.f.vi: Advance notice is not required but notice is suggested
- Section 4: Copies for internal use are authorized and do not require the language referenced.
- Section 6. The spirit of this section continues with the new wording referenced here:

ALL DATA IS PROVIDED "AS IS." THE COMMONWEALTH OF VIRGINIA, THE VIRGINIA GEOGRAPHIC INFORMATION NETWORK AND THEIR RESPECTIVE, OFFICERS, AGENTS AND EMPLOYEES JOINTLY AND SEVERALLY DISCLAIM ANY AND ALL REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WRITTEN OR ORAL, IN FACT OR ARISING BY OPERATION OF LAW, INCLUDING ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY, CURRENCY, COMMERCIAL VALUE, OR FREEDOM OF DATA FROM INFRINGEMENT OF ANY THIRD PARTY INTELLECTUAL PROPERTY RIGHTS.

NOTE: Any distribution of this data must include the Disclaimer above in a written format, either paper or digital.

Questions about the changes referenced in this letter should be directed to
vbmp@vgin.virginia.gov or by calling one of the VGIN staff listed on the VGIN website
<http://www.vgin.virginia.gov>

Dan Widner
Coordinator, Virginia Geographic Information Network



September 13, 2007

Government User Licensee – signature recommended but not required
(Printed Name, Title, Signature, Date)

Signed letters of acknowledgement can be returned to:

VGIN
Chesterfield Enterprise Solutions Center
11751 Meadowville Lane
Chester, VA 23836

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